

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

ZWICK PARTNERS, LP and APARNA RAO,  
individually and on behalf of all others similarly  
situated,

*Plaintiffs,*

v.

QUORUM HEALTH CORPORATION,  
COMMUNITY HEALTH SYSTEMS, INC.,  
WAYNE T. SMITH, W. LARRY CASH,  
THOMAS D. MILLER, and MICHAEL J.  
CULOTTA,

*Defendants.*

Case No.: 3:16-cv-02475

Class Action

Judge Waverly D. Crenshaw Jr.  
Magistrate Judge Alistair E. Newbern

**MOTION FOR RELIEF FROM ORDER REQUIRING  
FILING IN BANKRUPTCY COURT<sup>1</sup>**

Defendants Thomas D. Miller and Michael J. Culotta (“Defendants”), by and through their undersigned counsel, hereby move for relief from the last paragraph of the Court’s Order dated May 28, 2020 (Dkt No. 323) (the “Order”), which requires the parties to make a filing in the United States Bankruptcy Court for the District of Delaware overseeing Quorum Health Corporation’s (“Quorum”) Chapter 11 bankruptcy (Case No. 20-10766) (the “Bankruptcy Proceeding”).

As counsel for Defendants noted at the May 29, 2020, Status Conference, counsel had been unable at the time to speak with Quorum’s bankruptcy counsel prior to the Status Conference, and, thus, could not identify any potential issues with compliance with the Order. Counsel has now spoken to bankruptcy counsel and understands the filing of any orders from this action in the

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<sup>1</sup> Defendants have conferred with counsel on this motion. Plaintiffs take no position on the relief requested. CHSI Defendants likewise take no position on the relief requested and have agreed to hold off on complying as long as possible without violating the Order.

Bankruptcy Proceeding will be problematic and could result in significant costs to the chapter 11 debtors' estates. In particular, there are thousands of numerous unrepresented vendors, employees, and other creditors who receive notice of all filings in the Bankruptcy Proceeding. Anytime a document is filed and it is not clear how that document impacts the unrepresented parties or the Bankruptcy Proceeding, Quorum's bankruptcy counsel receives an influx of calls and correspondence from the unrepresented parties asking about the filing. Bankruptcy counsel is preparing for the scheduled confirmation hearing on June 16, 2020 in the Bankruptcy Proceeding and an influx of calls will disrupt those preparations. Bankruptcy counsel expects the requested filing will result in a number of calls because it is not clear how the Court's two orders in this case as to the non-debtor defendants before this Court at all impact the Bankruptcy Proceeding, especially since the automatic stay remains in place for all chapter 11 debtors in that Bankruptcy Proceeding.

In addition to the potential for confusion and distraction, bankruptcy counsel also noted that there is no clear procedure for making such a filing in the Bankruptcy Proceeding. And, with respect to Defendants specifically, they do not have counsel in the Bankruptcy Proceeding and would need to retain counsel in Delaware to make such a filing.

Finally, Defendants note that they will not be seeking a stay of this action as to the non-debtor defendants in the Bankruptcy Proceeding.

WHEREFORE, Defendants respectfully request that the Court grant this Motion and relieve all of the parties of the obligation to make the requested filing in the Bankruptcy Proceeding.

Dated: May 29, 2020

/s/ Woods Drinkwater

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*Counsel for Defendants Thomas D. Miller and  
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**CERTIFICATE OF SERVICE**

I certify that on this 29th day of May, 2020, a true and correct copy of the foregoing has been served upon all registered users of the Electronic Case Filing System, including:

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